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10/584,671	06/26/2006	Kristof De Spiegeleer	6142-00504	5006

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EXAMINER
CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
2437	

NOTIFICATION DATE	DELIVERY MODE
12/24/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent_docketing@intprop.com
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<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.

10/584,671</td><td>Applicant(s)

DE SPIEGELEER, KRISTOF</td></tr>
<tr><td>Examiner

PAUL CALLAHAN</td><td>Art Unit

2437</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 September 2009</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-4 and 6-17</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-4 and 6-17</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is directed towards the Applicant's response filed 9-2-2009.

Claims 1-4 and 6-17 are pending and have been examined.

Response to Arguments

2.   Applicant's arguments filed 9-2-2009 have been fully considered but they are not

persuasive.

The Applicant argues that the rejections of the claims under 35 USC Sec. 102(b)

as anticipated by Farber, US 5,978,791 are improper. The Applicant argues that the

applied reference fails to teach the feature of "…wherein said triggering an action on a

local computing device in accordance with said content attributes comprises

replacement of the new file on the local computing device with another version of said

new file restored from the remaining part of the network environment". The Applicant

asserts that the clamed steps wherein a local processor calculates a reference for a file,

and then determines that the file is not yet identified locally before restoring the file from

a network source is not taught.

The Examiner counters that such features are indeed taught by Farber at the

cited sections. In Farber, a description of several "primitive mechanisms" is listed in col.

12 lines 34-53. Amongst these, the primitive mechanism: "Calculate True Name," further

discussed at col. 12 line 55 through col. 14 line 39, reads on the Applicant's claim

limitation of calculating a reference for a file. In Farber, the "True Name" for a file is a

reference name for a file based on an MD cryptographic hash of file data. Farber's

primitive mechanism: "Assimilate Data Item," discussed at col. 14 line 41 through col. 15

line 3, reads on the Applicant's claimed determining step wherein a local processor

determines whether a locally stored reference value for the file exits. In Farber, a

calculated "True Name" for a file is not entered into a local registry (col. 14 lines 50-60)

if it already exists there. In addition, the Examiner considers that Farber's primitive

mechanism: "Realize True File From Location" discussed at col. 16 lines 10-37, reads

on the Applicant's step of "restoring the file from a network source" since in Farber (col.

16 lines 15-20) a request is made for a file from a remote location over a network. Other

sections of Farber teach the Applicant's claimed steps as well. For example, at col. 22

lines 41-48, the process of requesting a file over a network when a determination that a

local copy does not exist is taught.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-4 and 6-17 are rejected under 35 U.S.C. 102(b) as being clearly

anticipated by Farber et al., US 5,978,791. Farber teaches:

As for claim 1, a method for identifying the content of a file in a network environment (abstract), said network environment comprising at least one local computing device linked to a remaining part of the network environment including a central infrastructure (fig. 1(a), col. 4 line 63 through col. 5 line 35), and the method comprising calculating a reference value for a new file on one of said at least one local computing devices using a one-way-function (col. 14 lines 1-31), transmitting said calculated reference value to said central infrastructure (col. 16 lines 38-62, col. 23 line 52 through col. 24 line 29), comparing said calculated reference value with reference values previously stored within the remaining part of the network environment (col. 16 lines 38 through col. 17 line10, col. 23 line 52 through col. 24 line 29), after comparing, deciding that the content of the new file is already identified if a match between said calculated reference value and a previously stored reference value is found and retrieving the corresponding content attributes (col. 14 line 40 through col. 15 line 10, col. 23 line 52 through col. 24 line 29, col. 25 lines 26-45); or deciding that the content of the new file is not yet identified if no match between said calculated reference value and any of the previously stored reference values is found (col. 14 line 40 through col. 15 line 10, col. 23 line 52 through col. 24 line 29), followed by sharing the new file on the local computing device to said central infrastructure and said central infrastructure identifying the content of said new file by remotely identifying the content over the network environment (col. 23 line 52 through col. 24 line 29, col. 25 lines 26-45), determining content attributes corresponding with the content of the new file and storing a copy of said content attributes (col. 25 lines 26-45), after deciding, triggering an action

on said local computing device in accordance with said content attributes (col. 25 lines

26-45), wherein said triggering an action on said local computing device in accordance

with said content attributes may comprise replacement of the new file on the local

computing device with another version of said new file restored from the remaining part

of the network environment. (col. 25 lines 26-45).

As for claim 2, a method according to claim 1, wherein said triggering an action

on said local computing device in accordance with said content attributes is performed

after transmitting the content attributes corresponding to the new file to the local

computing device (col. 25 lines 26-45).

As for claim 3, a method according to claim 1 wherein said identifying the content

of said new file comprises one or more of the group of scanning for viruses, scanning

for adult content, scanning for Self Promotional Advertising Messages and scanning for

copyrighted information, using a scanning means installed on said central infrastructure

(col. 34 lines 33-43).

As for claim 4, a method according to claim 1, furthermore comprising storing a

copy of the new file on the central infrastructure (col. 25 lines 26-45).

As for claim 6, a computer readable storage medium comprising program instructions for executing the method of claim 1 when executed on a network (col. 4 line 58 through col. 5 line 16).

As for claim 7, the claim represents the system carrying out the method of claim 1. Claim 7 recites substantially the same limitations as claim 1 and is rejected on the same basis as that claim.

As for claim 8, a system according to claim 7 furthermore comprising means for storing a copy of the new file within the remaining part (col. 4 line 58 through col. 5 line 24).

As for claim 9, a method for altering a system for identifying the content of a file in a network environment (abstract), said network environment comprising means for calculating a one-way function (col. 12 lines 54-60), at least one local computing device linked to a remaining part of the network environment including a central infrastructure and means for identifying the content and said remaining part including a stored database (col. 4 line 58 through col. 5 line 60), the method comprising altering said means for identifying the content or said means for calculating a one-way function (col. 14 lines 1-31, col. 16 lines 38-62, col. 23 line 52 through col. 24 line 29), scanning the remaining part of the network environment for reference values calculated with a one-way function for each of said reference values (col. 16 line 10 through col. 17 line 10),

requesting a file that corresponds with said reference value from said network

environment identifying the content of said file (col. 16 line 38 through col. 17 line 10),

and determining content attributes corresponding with the content of the file and storing

a copy of said content attributes sending the content attributes to every local computing

device containing the file after sending (col. 23 line 53 through col. 24 line 29, col. 25

line 25-45); triggering an action on said local computing device in accordance with said

content attributes (col. 25 lines 25-45).

As for claim 10, a method according to claim 9, wherein said scanning the

remaining part of the network environment for reference values calculated with a one-

way function comprises scanning the remaining part of the network environment for

reference values, calculated with a one-way function, said reference values being

generated after a predetermined date (col. 35 lines 10-28).

As for claim 11, a method according to claim 9, wherein said method furthermore

comprises, for each of said reference values, sending the file to means for identifying

the content (col. 23 line 54 through col. 24 line 28).

As for claim 12, a method according to claim 9, wherein said method furthermore

comprises, for each of said reference values, sharing the file to the means for identifying

the content and remotely identifying the content of the file over the network (col. 23 line

54 through col. 24 line 28).

As for claim 13, a method according to claim 9, wherein said sending the content attributes to every local computing device containing the file, may comprise identifying every local computing device containing the file using a stored database sending the content attributes to said identified local computing devices (col. 23 line 54 through col. 24 line 28).

As for claim 14, a method according to claim 9 wherein sending the content attributes to said identified local computing devices comprises, for each of said identified local computing devices not connected to said network, creating an entry in a waiting list and sending the content attributes to said identified local computing devices in agreement with said entry on said waiting list when the local computing devices are reconnected to the network (col. 43 lines 9-15: Offline processors are queried on reconnection, therefore a queue is inherent to the system).

As for claim 15 a method according to claim 9 wherein, requesting a file that corresponds with said reference value from said network environment comprises, if no local computing device having said file that corresponds with said reference value is connected to the network, creating an entry in a waiting list and requesting a file that corresponds with said reference value from said local computing device in agreement with said entry when the local computing device is reconnected to said network (col. 43

lines 9-15: Offline processors are queried on reconnection, therefore a queue is inherent to the system).

As for claim 16, a method according to claim 9, wherein said method furthermore comprises identifying whether the content attributes correspond with unwanted content and, if so, identifying the local computing device that first introduced said unwanted content in the network based on data stored in said database (col. 34 lines 33-43).

As for claim 17, a computer program product for executing the method as claimed in claim 9 when executed on a network (col. 4 line 58 through col. 5 line 16).

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-

3869. The examiner can normally be reached on M-F from 9 to 5. If attempts to reach

the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel

Moise, can be reached on (571) 272-3865. The fax phone number for the organization

where this application or proceeding is assigned is: (571) 273-8300. Information

regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may

be obtained from either Private PAIR or Public PAIR. Status information for

unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll-free).

/PEC/
AU2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437